

Appl. No. : 10/691,695
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RESPONSE / REMARKS

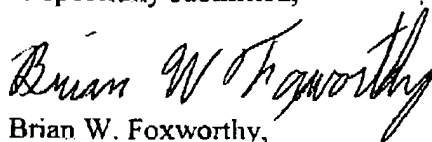
This is a combined Notice of Appeal on claims remaining in consideration - Claims 1-3, 5, 13, 14, 16, 27, 39 and 40; respectively. Claims 4, 8, 15 and 17 were previously canceled without prejudice. Claims 6, 7, 9-12, 18-26, 28-38 and 41 were withdrawn from prosecution. An Appeal Brief will be filed within the allotted time window.

All pending claims have been finally rejected and are in a condition for consideration on appeal to the Board of Patent Appeals and Interferences, with the exception of Claim 40. Claim 40 is currently amended in response to the examiner's rejection under 35 U.S.C. § 112, 2nd Para. to add the word "engage" that was omitted previously - thereby removing the "indefiniteness" of the claim as rejected by the examiner. The amendment to Claim 40 places all of the remaining pending claim in the above referenced application in a condition for consideration on appeal to the BPAI.

Applicant has not asserted its arguments of patentability for the remaining pending claims at this time. Instead, Applicant reserves the opportunity to address the examiner's rejections and the arguments for patentability in the Appeal Brief that shall be filed hereafter.

Applicant respectfully requests entry of the amendment to Claim 40, and entry of the Notice of Appeal and the Extension of Time petition, and the accompanying fees therewith.

Respectfully submitted,

A handwritten signature in black ink, reading "Brian W. Foxworthy". The signature is written in a cursive, flowing style with a large, stylized "F".

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